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DANIEL J. SHEA, P.C.

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EXEMPTIONS AND APPROVALS

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April 29, 1997

Ms. J. Suzanne Hedgepeth
Director, Office of Hazardous Materials
Exemptions and Approvals
U.S. DEPARTMENT OF TRANSPORTATION
400 Seventh Street, S.W.
Washington, DC 20590

RE: Rulemaking petition no. P-1324, Mr. Gary T. Ocbayohannes

Dear Ms. Hedgepeth:

Thank you for your letter of April 11, 1997 which indicated that our letter of December 3, 1996 has been accepted as a petition for rulemaking under 49 CFR 106.31.

As you may know, I also represent Mr. Ocbayohannes in civil litigation arising out of this incident. In that regard, we have finally been able to obtain the "tripfax" data from the truck. Contrary to assertions of the driver to the police at the time that he was stopped at the fatal intersection, the tripfax data together with traffic signal timing information from the City of Houston now clearly indicate that he ran the red light at the fatal intersection at a rate of speed 10 m.p.h. above the legal speed limit. In addition, the Harris County Medical Examiner has informed us that this accident was survivable absent the "wet lines." We feel this information gives further impetus to the necessity for a rulemaking that will eliminate wet lines and make this tragedy one that is not needlessly repeated. In that regard, Mr. Ocbayohannes and I are willing to travel to Washington at our expense to provide whatever testimony you require in this case.

Please keep me informed on developments as they occur.

Very truly yours,



Daniel J. Shea

DJS\ds

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